

### **REMARKS/ARGUMENTS**

In the Office Action mailed May 4, 2009 (hereinafter, "Office Action"), claims 1-49 stand rejected under 35 U.S.C. § 103(a). Claims 1, 8, 17, 18, 21, 28, 37, 38, 41, and 49 have been amended. Claims 7, 15, 16, 27, 35, 36, 47, and 48 have been canceled. Claims 50-51 have been added.

Applicant respectfully responds to the Office Action.

#### **I. Claims 1-5, 7-10, 15-25, 27-30, 35-43 and 47-49 Rejected Under 35 U.S.C. § 103(a)**

Claims 1-5, 7-10, 15-25, 27-30, 35-43 and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0075572 to Boreczky et al. (hereinafter, "Boreczky") in view of U.S. Patent No. 6,711,741 to Yeo (hereinafter, "Yeo") further in view of U.S. Patent No. 7,366,241 to Matsui et al. (hereinafter, "Matsui"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at \*\*37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims at issue are patentably distinct from the cited portions of the cited references. The cited portions of the cited references, taken alone or in

combination, do not teach or suggest all of the subject matter in these claims.

For example, claim 1 in its present form recites, among other subject matter, “receiving a user selection of an option concerning how the video is managed while the first navigation video strip is displayed, wherein the option is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip.” Applicant submits that at least this subject matter, which is similar to the subject matter previously included in claim 16, is not taught or suggested by the cited portions of the cited references. In addition, claim 1 has been amended to include “wherein displaying the first navigation video strip comprises retrieving the first plurality of video frames from the server and displaying corresponding thumbnail images.” Applicant submits that this subject matter is not taught or suggested by the cited portions of the cited references.

In making the rejection of claim 16, the Examiner acknowledges that Boreczky does not explicitly teach “cropping and/or alpha-blending” and relies on Yeo (Fig. 6A; col. 4, lines 43-58) to cure this deficiency. Specifically, the Examiner states that Yeo teaches the use of a web browser as a media player for playing corresponding segments of source video frames from selected temporal snapshots. The Examiner concludes that the use of a web browser inherently includes such user selected functions as “cropping and alpha-blending” by minimizing/maximizing the media player in the application window. (See Detailed Action, pages 7-8).

In response, Applicants note that the language of claim 1 now recites that the option concerning how the video is managed is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip. Applicants submit that web browsers do not crop or alpha-blend video simply by minimizing or maximizing an application window. Regardless of the size of the window and the size of the video displayed in the window, videos are not cropped or alpha-blended by such manipulation (e.g., minimizing/maximizing) by a user. Thus, at least this subject matter is not taught or suggested by the cited portions of the cited references.

Claim 1 recites “obtaining the first plurality of video frames by requesting the specific video frames from the server by sending separate play requests for the video frames in accordance with a video streaming protocol.” Thus, claim 1 requires the use of a “video streaming protocol” to

“request ... specific video frames.” Claim 1 has also been amended to include “wherein displaying the first navigation video strip comprises retrieving the first plurality of video frames from the server and displaying corresponding thumbnail images.” Applicant submits that this subject matter is not taught or suggested by the cited portions of the cited references.

Matsui does not teach or suggest this claim subject matter. Matsui describes the use of the Real Time Streaming Protocol (RTSP) to request a video stream. This is the typical way in which RTSP is used. However, Matsui does not teach or suggest the use of RTSP to “request ... specific video frames” that correspond to “thumbnail images” as required by claim 1.

For example, the Office Action cites col. 25, lines 25-29 of Matsui, which states (emphasis added):

Then, in the RTSP message transmission/reception unit 214 of the receiving terminal 200b, a data request message which requests the video stream corresponding to the entry [2], i.e., the video stream corresponding to the video element 712, is transmitted by RTSP.

The Office Action also cites col. 26, lines 21-26 of Matsui, which states (emphasis added):

Thereafter, a PLAY request message (PLAY rtsp://s.com/s1.mp4 RTSP/1.0) Sm4 corresponding to the video stream indicated by the video element 711 is transmitted by RTSP from the RTSP message transmission/reception unit 214 of the receiving terminal 200b to the URL (server address) corresponding to the entry [1].

As can be seen, the cited portions of Matsui describe the use of RTSP to request a video stream. However, Matsui does not teach or suggest the use of RTSP to “request ... specific video frames” that correspond to “thumbnail images” as required by claim 1.

Claim 1 also specifically defines what is meant by using a “video streaming protocol” to “request ... specific video frames.” In particular, claim 1 has been amended to recite that “a normal play time of each play request begins at  $T_i$  and ends at  $T_i + d$ , wherein  $T_i$  is a timestamp of an  $i^{\text{th}}$  video frame, and wherein  $d$  does not exceed one frame duration.” This amendment is supported by at least paragraphs [50] and [51] of Applicant’s specification, which states:

The video frames 124 may be retrieved from the video stream server 112 in accordance with the RTSP protocol. For example, if  $T_i$  is the timestamp 126

of the  $i^{\text{th}}$  video frame 124 to be displayed in the video strip 118 (where  $i = 1, \dots, N$ ), the client 102 may send  $N$  RTSP PLAY requests with the normal play time (npt) of a request set to begin at  $T_i$  and set to end at  $T_i + d$ . ...

The value of  $d$  is preferably set equal to one frame duration of the video 114.

In other words,  $d = \frac{1}{F}$ , where  $F$  is the frame rate of the video 114 in frames per second (fps). The frame rate of the video 114 is typically available as an SDP media attribute. However, if the video player 110 has no knowledge about the frame rate of the video 114, then  $d$  may be set to some small value.

Because the cited references do not teach or suggest the use of a “video streaming protocol” to “request ... specific video frames,” it follows that the cited references also do not teach or suggest the additional subject matter that has been added to claim 1, which relates to *how* a “video streaming protocol” may be used to “request ... specific video frames.” The cited references certainly do not teach or suggest that “a normal play time” of a “play request begins at  $T_i$  and ends at  $T_i + d$ ,” as required by claim 1. Thus, even if the cited references were combined in the manner proposed in the Office Action, the resulting combination would not teach or suggest all of the subject matter of claim 1. Accordingly, Applicant respectfully submits that claim 1 is allowable.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-5, 7-10 and 17 depend either directly or indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-5, 7-10 and 17 be withdrawn.

Claim 18 is being amended to recite, among other subject matter, “receiving a user selection of an option concerning how the video is managed while the first navigation video strip is displayed, wherein the option is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip” and “for displaying corresponding thumbnail images.”

As discussed above, the cited portions of the cited references do not teach or suggest this claimed subject matter. Accordingly, Applicant respectfully submits that claim 18 is allowable. Claims 19-20 depend directly from claim 18, and are therefore allowable for at least the same reasons.

Claim 21 is being amended to recite, among other subject matter, “receive a user selection of an option concerning how the video is managed while the first navigation video strip is displayed, wherein the option is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip” and “wherein displaying the first navigation video strip comprises retrieving the first plurality of video frames from the server and displaying corresponding thumbnail images.” As discussed above, the cited portions of the cited references do not teach or suggest this claimed subject matter. Accordingly, Applicant respectfully submits that claim 21 is allowable. Claims 22-25, 27-33 and 37 depend either directly or indirectly from claim 21, and are therefore allowable for at least the same reasons.

Claim 38 is being amended to recite, among other subject matter, “receive a user selection of an option concerning how the video is managed while the first navigation video strip is displayed, wherein the option is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip” and “for displaying corresponding thumbnail images.” As discussed above, the cited portions of the cited references do not teach or suggest this claimed subject matter. Accordingly, Applicant respectfully submits that claim 38 is allowable. Claims 39-40 depend directly from claim 38, and are therefore allowable for at least the same reasons.

Claim 41 is being amended to recite, among other subject matter, “receiving a user selection of an option concerning how the video is managed while the first navigation video strip is displayed, wherein the option is selected from the group consisting of cropping the video and alpha-blending the video with the first navigation video strip” and “wherein the plurality of video frames from the server correspond to thumbnail images.” As discussed above, the cited portions of the cited references do not teach or suggest this claimed subject matter. Accordingly, Applicant respectfully submits that claim 41 is allowable. Claims 42-43 and 49 depend either directly or indirectly from claim 41, and are therefore allowable for at least the same reasons.

## **II. Claims 6 and 26 Rejected Under 35 U.S.C. § 103(a)**

Claims 6 and 26 stand rejected under 35 U.S.C. § 103(a) based on Boreczky in view of Yeo

in view of Matsui, and further in view of U.S. Patent Application Publication No. 2002/0140719 to Amir et al. (hereinafter, "Amir"). This rejection is respectfully traversed.

Claim 6 depends directly from claim 1. Claim 26 depends directly from claim 21. Accordingly, Applicant respectfully requests that the rejection of claims 6 and 26 be withdrawn.

**III. Claims 11-14, 31-34 and 44-46 Rejected Under 35 U.S.C. § 103(a)**

Claims 11-14, 31-34 and 44-46 stand rejected under 35 U.S.C. § 103(a) based on Boreczky in view of Yeo in view of Matsui and further in view of U.S. Patent No. 6,747,674 to Asami (hereinafter, "Asami"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

Claims 11-14 depend either directly or indirectly from claim 1. Claims 31-34 depend either directly or indirectly from claim 21. Claims 44-46 depend directly from claim 41. Accordingly, Applicant respectfully requests that the rejection of claims 11-14, 31-34 and 44-46 be withdrawn.

Appl. No. 10/675,028  
Amdt. dated August 4, 2009  
Reply to Office Action of May 4, 2009

**IV. Conclusion**

Applicant respectfully asserts that all pending claims are allowable over the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

/Wesley L. Austin/

---

Wesley L. Austin  
Reg. No. 42,273  
Attorney for Applicant

Date: August 4, 2009

AUSTIN RAPP & HARDMAN  
170 South Main Street, Suite 735  
Salt Lake City, Utah 84101  
Telephone: (801) 537-1700